

# MEMORANDUM

## Planning Division



**Date:** April 27, 2016

**To:** Planning Commission Subcommittee

**From:** Krishna Kumar, Assistant Planner

**Subject:** Minor Site Development Permit No. MS16-0038: to install a six (6') foot chain link fence around an existing nine (9') foot nitrogen tank on a twelve (12') foot x twelve (12') foot concrete pad at 1550 Buckeye Drive.

**Location:** 1550 Buckeye Drive, APN: 86-03-093

**Zoning/GP:** Industrial Park (MP)/ Industrial Park (INP)

### Background:

- On March 31, 2016, the applicant for an existing industrial research and development facility (Nanometrics) submitted a request for a Minor Site Development Permit to install a six foot chain link fence around an existing nine foot nitrogen tank on a 12 foot x 12 foot concrete pad at 1550 Buckeye Drive.
- Subject site and surrounding properties zoning information:

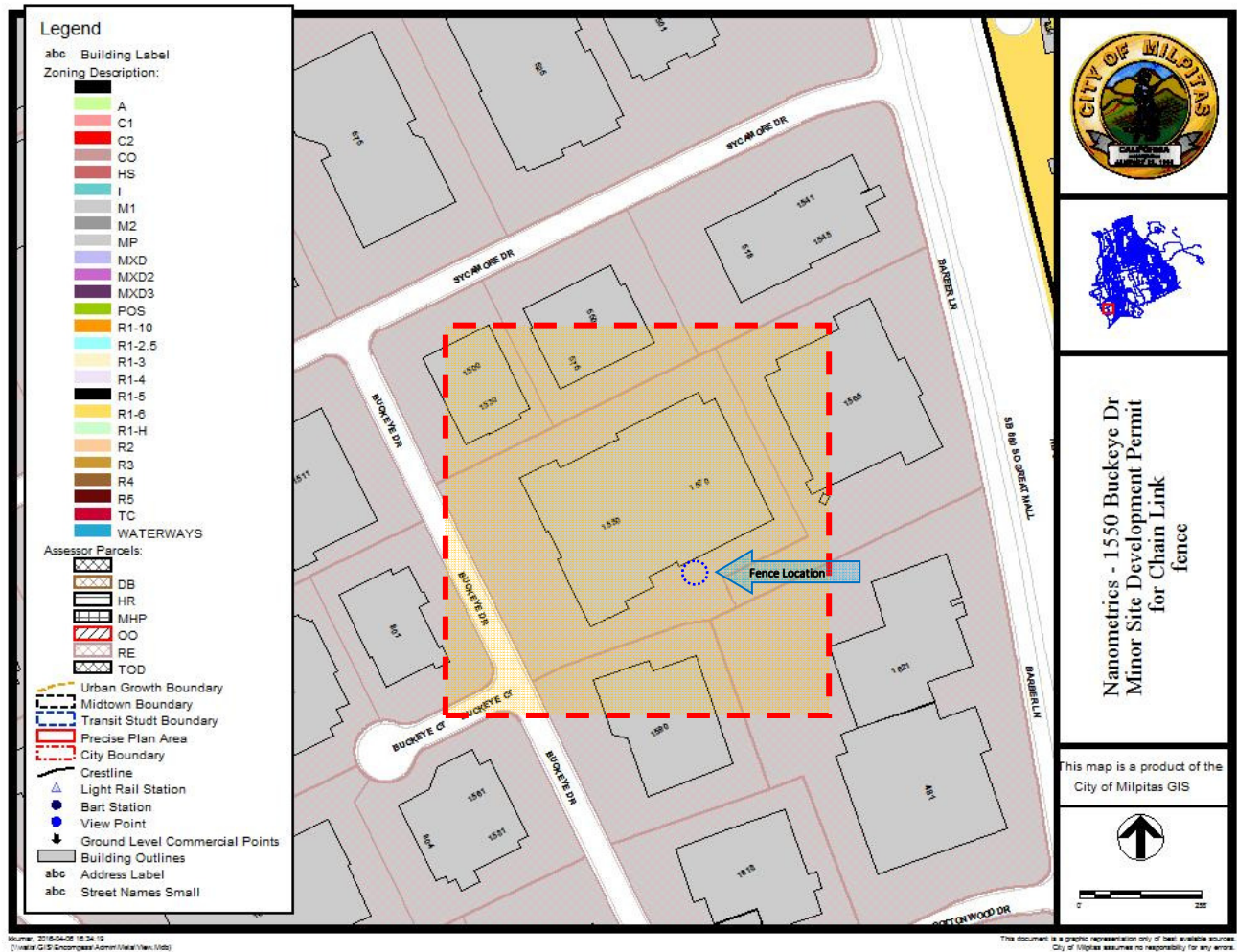
	General Plan	Zone	Uses
Subject Site	Industrial Park (MP)	Industrial Park (MP)	Nanometrics - Industrial Research& Development Facility
North	Industrial Park (MP)	Industrial Park (MP)	Advantec Computer Company
South	Industrial Park (MP)	Industrial Park (MP)	IXYS Corporation
East	Industrial Park (MP)	Industrial Park (MP)	Nuvosun
West	Industrial Park (MP)	Industrial Park (MP)	Silicon Turnkey Solutions

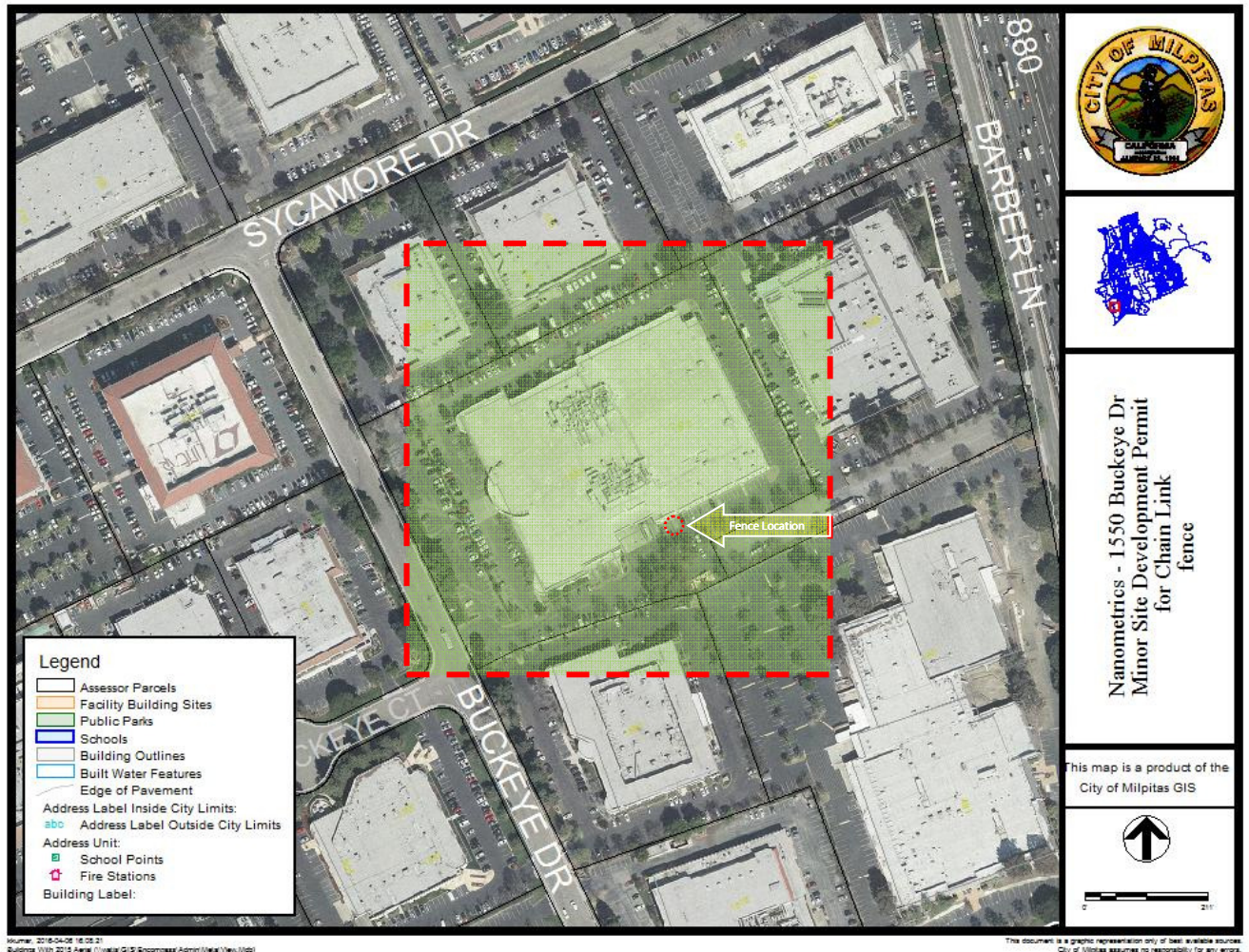
- The purpose and intent of the Industrial Park (MP) zoning designation is to accommodate, in a park-like setting, a limited group of research, professional, packaging and distribution facilities

and uses which may have unusual requirements for space, light, and air, and the operation of which are clean and quiet and which meet the standards set herein.

- Nanometrics is located within the MP Zoning designation and is a permitted use. The minor site development permit is for the installation of a chain link fence around an existing nitrogen tank and concrete pad, which requires a Planning Commission Subcommittee review.

## Zoning, Site Location and Site Image





- This application is submitted pursuant to Milpitas Municipal Code Table XI-10-57.03-1 Additions or Alterations Requiring Minor Site Development Permits (Fences/Walls) which requires Planning Commission Subcommittee review and approval of a Minor Site Development Permit to install a chain link fence.
- In approving any project subject to MMC Section XI-10-57-0301(G), the Planning Commission Subcommittee shall find all of the following:
  - The development recognizes and respects the nature of the neighborhood and site, development patterns, materials used, and the expectations of those who will see and use the building;

*Analysis: The proposed location for the six foot chain link fence is on the side of the existing Nanometrics building and is not directly visible from Buckeye Street. The scope of work takes the surrounding area and materials used into consideration by meeting the intent of the Industrial Park zoning designation and maintain office park-like amenities.*

- The development assures that modifications satisfy functional requirements, and are screened with appropriate compatible materials;

*Analysis: The purpose of the six foot chain link fence is to screen and protect a nine nitrogen tank with appropriate compatible material.*

- The development assures that the modifications will not interfere with the privacy, quiet enjoyment or view of the surrounding properties.

*Analysis: The chain link fence installation will not interfere with the privacy, quiet enjoyment or view of the surrounding properties. The project is located in the Industrial Park Zoning District and is not located near any residential uses. The site is located within the valley floor and therefore will not impact any views on scenic routes or vistas.*

- The project is exempt from further CEQA review pursuant to Section 15301 (Existing Facilities) because it is an existing site and the addition of the six foot chain link fence around an existing nine foot nitrogen tank on a twelve foot x twelve foot concrete pad is considered a negligible change in operation of an existing Industrial use.

**Recommendation:**

STAFF RECOMMENDS THAT the Planning Commission Subcommittee approve P-MS16-0038, 1550 Buckeye Drive chain link fence, subject to the attached conditions of approval.

*Attachments:*

- A. Conditions of Approval
- B. Site Plan



**CONDITIONS OF APPROVAL:**

**General Conditions**

1. General Compliance. The applicant, including all successors in interest (collectively "Permittee") shall comply with each and every condition set forth in this Permit. This Minor Site Development Permit No. P-MS16-0038 ("Permit") shall have no force or effect and no building permit shall be issued unless and until all things required by the below-enumerated precedent conditions have been performed or caused to be performed.
2. Effective Date. Unless there is a timely appeal filed in accordance with the Milpitas Zoning Code, the date of approval of this Permit is the date on which the decision-making body approved this Permit.
3. Acceptance of Permit. Should Permittee fail to file a timely appeal within twelve (12) calendar days of the date of approval of this Permit, inaction by Permittee shall be deemed to constitute each of the following:
  - a. Acceptance of this Permit by Permittee; and
  - b. Agreement by the Permittee to be bound by, comply with, and to do all things required of or by Permittee pursuant to all of the terms, obligations, and conditions of this Permit.
4. Permit Expiration. Pursuant to Section XI-10-64-06 of the Milpitas Zoning Code, this Permit shall become null and void if the activity permitted by this Permit is not commenced within two (2) years from the date of approval, or for a project submitted with a tentative map, within the time limits of the approved tentative map. Pursuant to Section XI-10-64.06(B) of the Milpitas Zoning Code, an activity permitted by this Permit shall be deemed to have commenced when the project:
  - a. Completes a foundation associated with the project; or
  - b. Dedicates any land or easement as required from the zoning action; or
  - c. Complies with all legal requirements necessary to commence the use, or obtains an occupancy permit, whichever is sooner.
5. Time Extension. Pursuant to Section XI-10-64.07 of the Milpitas Zoning Code, unless otherwise provided by State law, Permittee shall have the right to request a one-time extension of the Permit if the request is made in writing to the Planning Division prior to the expiration date of the approval. **(P)**
6. Project Job Account. If Permittee's project job account is at any time delinquent or below the required deposit amount, City will not continue to review or process the application until Permittee's private job account is paid in full and the required deposit has been made.

Additionally, prior to the issuance of any building permit or occupancy permit, as applicable, Permittee shall pay in full the project account balance and establish a remaining balance of at least twenty-five percent (25%) of the required initial deposit.

7. Notice. Pursuant to California Government Code Section 66020, any protest filed in court relating to the imposition of fees, dedication, reservations, or other exactions to be imposed on the development project shall be filed within ninety (90) days after the date of the approval of this permit. This provision serves as notice from the local agency to the Permittee that the ninety (90) day period in which the applicant may file a protest has begun under California Government Code Section 66020(d)(1).
8. Cost and Approval. Permittee shall fully complete and satisfy each and every condition set forth in this approval and any other condition applicable to the project to the sole satisfaction of the City. Additionally, Permittee shall be solely responsible and liable for the cost to satisfy each and every condition.
9. Conditions. Each and every condition set forth in this Exhibit shall apply to the project and continue to apply to the project so long as the Permittee is operating the project under the permits and approvals.
10. Compliance with Laws. The construction, use, and all related activity authorized under this Permit shall comply with all applicable local, state, and federal laws, rules, regulations, guidelines, requirements, and policies. **(CA/P)**
11. Previous Approvals. Permittee shall abide and continue to comply with all previous City approvals, permits, or requirements relating to the subject property, unless explicitly superseded or revised by this Permit.
12. Indemnification. To the fullest extent permitted by law, Permittee shall indemnify, defend with counsel of the City's choosing, and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to (i) City's approval of the project, including but not limited to, the approval of the discretionary permits, maps under the Subdivision Map Act, and/or the City's related determinations or actions under the California Environmental Quality Act, and (ii) Permittee's construction, operation, use, or related activity under this Permit. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. Permittee shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. Permittee shall pay to the City upon demand or, as applicable, to counsel of City's choosing, any amount owed pursuant to the indemnification requirements prescribed in this condition.

13. Revocation, Suspension, Modification. This Permit may be suspended, revoked, or modified in accordance with Section XI-10-63.06 of the Milpitas Zoning Code.
14. Severability. If any term, provision, or condition of this Permit is held to be illegal or unenforceable by the Court, such term, provision, or condition shall be severed and shall be inoperative, and the remainder of this Permit shall remain operative, binding, and fully enforceable.
15. Permittee shall develop the approved project in conformance with the approved plans approved by the Planning Commission Subcommittee on April 27, 2016, in accordance with these Conditions of Approval.  
  
Any deviation from the approved site plan, elevations, materials, colors, landscape plan, or other approved submittal shall require that, prior to the issuance of building permits, the Permittee shall submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the Planning Director or Designee. If the Planning Director or designee determines that the deviation is significant, the owner or designee shall be required to apply for review and obtain approval of the Planning Commission or City Council, as applicable, in accordance with the Milpitas Zoning Code. **(P)**
16. Written Response to Conditions. The Permittee shall provide a written response to the Conditions of Approval indicating how each condition has been addressed with the building permit application submittal. **(ALL)**
17. If this site is currently using recycled water, the modification of the existing recycled water irrigation system will merit a plan review by Milpitas, South Bay Water Recycling, and the State. Submit irrigation system modification drawings (U).

**Project Specific Conditions**

1. Per Table XI-10-57.03-1 of the Milpitas Zoning Code:  
  
Chain link fencing
  1. Chain link fencing in commercial and industrial districts. The following standards shall apply:
    - a. Fencing shall be at the rear or interior side of the site.
    - b. The fencing shall consist of vinyl clad chain link with or without vinyl slats. Type of chain link fencing (i.e. deletion of vinyl clad requirement, use of slats) shall be to the discretion of the Planning Commission Subcommittee (i.e., in circumstances where the proposed fencing is to continue a line of existing chain link fencing).
    - c. Fencing material and color shall be compatible with surrounding development.
    - d. Parking lot fencing/gates shall be approved by the City's Fire Department.

(P) = Planning  
(B) = Building and Safety

(E) = Engineering  
(U) = Utilities

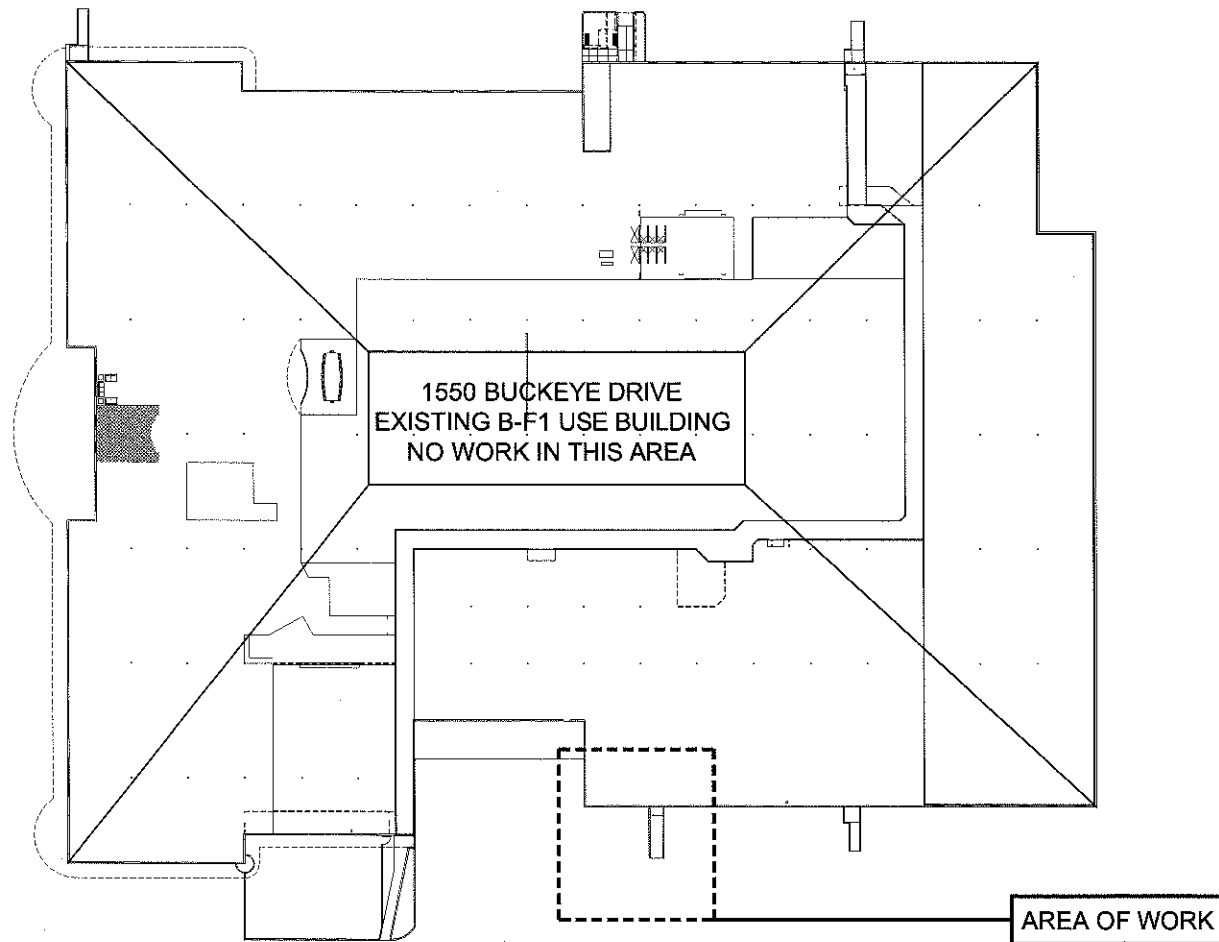
(F) = Fire Prevention  
(CA) = City Attorney

(PD) = Police  
Department



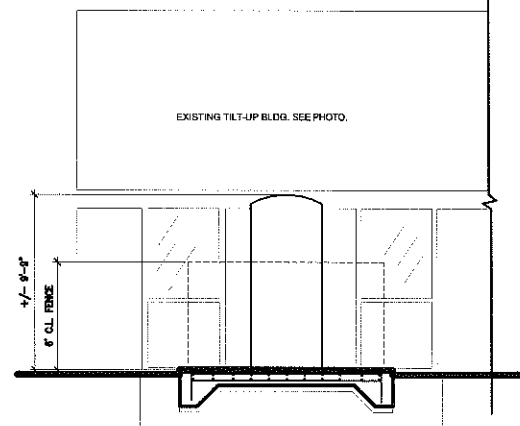




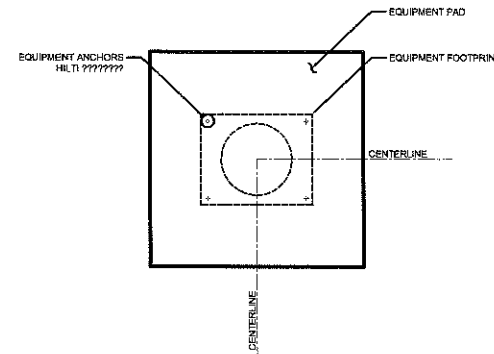


**OVERALL BUILDING PLAN**  
SCALE: 1" = 30'-0"

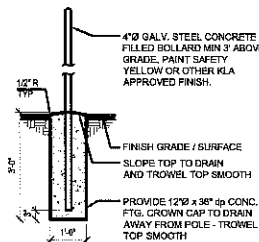
BASED ON FIELD MEASUREMENTS, FINISHED GRADE TO BOTTOM OF ARCHITECTURAL BELLY BAND IS 9'-0". BAND WIDTH IS 12" WIDE. TOP OF TANK SHOULD FALL IN BETWEEN THE BELLY BAND AREA, V.I.F.



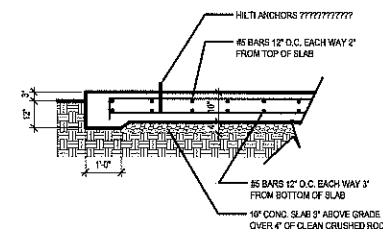
**EXISTING ELEVATION**  
SCALE: N.T.S. REFERENCE ONLY



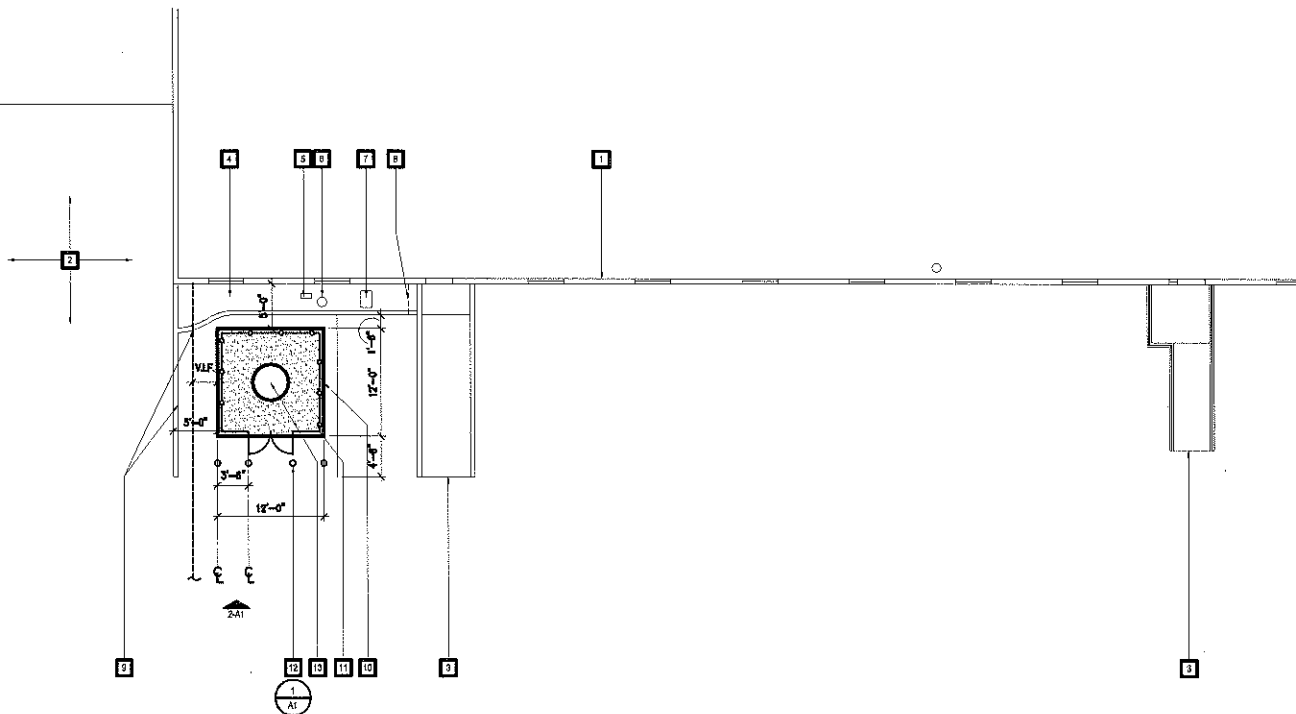
**VESEL FOUNDATION PLAN**  
SCALE: 1/4" = 1'-0"



**TYP. BOLLARD**  
SCALE: 1/2" = 1'-0"



**FOOTING PAD SECTION**  
SCALE: 1/2" = 1'-0"



**ENLARGED PLAN**  
SCALE: 1/8" = 1'-0"

## SITE PLAN KEY NOTES

THE KEY NOTES THAT FOLLOW APPLY TO THE DRAWING(S) ON THIS SHEET ONLY. REFER TO FOLLOWING SHEETS FOR NOTES THAT ARE APPLICABLE TO THOSE DRAWINGS.

- EXISTING CONCRETE TILT-UP BUILDING PERIMETER. PROTECT WALLS AND GLAZING FROM DAMAGE.
- EXISTING SHIPPING AND RECEIVING DOCK. PROTECT AREA FROM DAMAGE. NO WORK IN THIS AREA.
- EXISTING RAMP. PROTECT FROM DAMAGE. GENERAL CONTRACTOR SHALL KEEP CLEAR ALL EXITS AND PATHS OF TRAVEL.
- EXISTING LANDSCAPE AREA TO REMAIN. PROTECT FROM DAMAGE.
- INDICATES LOCATION OF (E) ELECTRICAL BOX. PROTECT FROM DAMAGE.
- INDICATES LOCATION OF (E) SEWER BOX. PROTECT FROM DAMAGE.
- INDICATES LOCATION OF (E) IRRIGATION BOX. PROTECT FROM DAMAGE.
- INDICATES LOCATION OF (E) ROOF DRAIN. DAY LITES AT (E) CURB. PROTECT FROM DAMAGE. DO NOT OBSTRUCT ROOF WATER FLOW. VERIFY IN FIELD.
- EXISTING CONCRETE CURBS PROTECT FROM DAMAGE.
- NEW 12"x12"x10" CONCRETE PAD 3" ABOVE FINISH GRADE.
- NEW 6" TALL CHAIN LINK FENCE WITH SLATS AND (3) STRANDS BARB WIRE AND PAIR OF 2-4" GATE DOORS. SEE ATTACHED ANCHOR DETAIL BY A1 FENCE COMPANY FOR REFERENCE.
- (4) NEW 4" CONCRETE FILLED BOLLARDS TYP. SEE PLAN FOR LOCATIONS. V.I.F.
- NEW 9'-9" TALL LN2 TANK WITH 4" DIAMETER.

## SITE PLAN GENERAL NOTE

SITE PLAN INFORMATION IS BASED ON GENERAL FIELD MEASUREMENTS. IT IS RECOMMENDED THAT PRIOR TO INSTALLATION A SURVEY BE PROVIDED TO VERIFY PLACEMENT AND OR SET BACK TO PROPERTY LINES IF REQUIRED.



SERVING  
MONTEREY COUNTY,  
SILICON VALLEY AND  
CENTRAL CALIFORNIA

SPC DESIGN INC.  
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SAN JOSE, CA 95119  
HOME CABA AR  
OFF: (408) 229-9155  
FAX: (408) 229-9157

CENTRAL VALLEY OFFICE:  
SILVIO P. CANUDO  
4877 LILLEY MOUNTAIN DRIVE  
COARSEGOLD, CA 95614  
PHONE: 209.617.3495

SPCDESIGN@YAHOO.COM

THESE KEY PLAN AND SPECIFICATIONS ARE BASED ON THE INFORMATION PROVIDED TO THE DESIGNER BY THE OWNER. THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED TO THE DESIGNER. THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED TO THE DESIGNER. THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED TO THE DESIGNER.

NANOMETRICS  
LN2 TANK  
1550 BUCKEYE DRIVE  
MILPITAS, CA

JOB NO.

1604

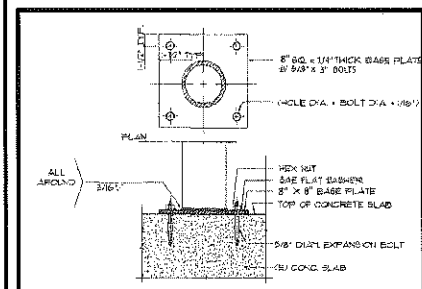
PRINT DATE:

DRAWN BY: SPC

CHECKED BY: SPC

SET ISSUED:

PLAN CHECK 2/2/16



**A-1 TYP. FENCE ANCHOR DETAIL**  
SCALE: N.T.S. BY OTHERS N.L.C.

**A1**